

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 141

Introduced by Senator Maldonado

February 11, 2009

~~An act to amend and repeal Section 11257 of the Welfare and Institutions Code, relating to CalWORKs. An act to add Section 12301.25 to the Welfare and Institutions Code, relating to public social services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 141, as amended, Maldonado. ~~CalWORKs: property requirements.~~
In-home supportive services: provider timesheets.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

Under existing law, the State Department of Social Services is required, in consultation and coordination with county welfare departments, to establish and implement statewide hourly task guidelines and instructions to provide counties with a standard tool for consistently and accurately assessing service needs and authorizing service hours to meet those needs.

This bill would require the standardized provider timesheet used to track the work performed by providers of services under this chapter

to contain a legal verification to be signed by the provider and recipient verifying under penalty of perjury that the information provided in the timesheet is true and correct. By changing the definition of the crime of perjury, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria.~~

~~Existing law imposes limits on the amount of personal and real property an individual or family may possess in order to be eligible for aid under the CalWORKs program.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12301.25 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 12301.25. Notwithstanding any other provision of law, the
- 4 standardized provider timesheet used to track the work performed
- 5 by providers of services under this article shall contain a legal
- 6 verification to be signed by the provider and recipient, verifying
- 7 under penalty of perjury that the information provided in the
- 8 timesheet is true and correct.
- 9 SEC. 2. No reimbursement is required by this act pursuant to
- 10 Section 6 of Article XIII B of the California Constitution because
- 11 the only costs that may be incurred by a local agency or school
- 12 district will be incurred because this act creates a new crime or
- 13 infraction, eliminates a crime or infraction, or changes the penalty
- 14 for a crime or infraction, within the meaning of Section 17556 of
- 15 the Government Code, or changes the definition of a crime within

1 *the meaning of Section 6 of Article XIII B of the California*
2 *Constitution.*

3 ~~SECTION 1. Section 11257 of the Welfare and Institutions~~
4 ~~Code, as amended by Section 28 of Chapter 1022 of the Statutes~~
5 ~~of 2002, is amended to read:~~

6 ~~11257. (a) To the extent not inconsistent with Sections~~
7 ~~11265.1, 11265.2, 11265.3, and 11004.1, no aid under this chapter~~
8 ~~shall be granted or paid for any child who has real or personal~~
9 ~~property, the combined market value reduced by any obligations~~
10 ~~or debts with respect to this property which exceeds one thousand~~
11 ~~dollars (\$1,000), or for any child or children in one family who~~
12 ~~have, or whose parents have, or the child or children and parents~~
13 ~~have, real and personal property the combined market value~~
14 ~~reduced by any obligations or debts with respect to this property~~
15 ~~which exceeds one thousand dollars (\$1,000).~~

16 ~~For purposes of this subdivision, real and personal property shall~~
17 ~~be considered both when actually available and when the applicant~~
18 ~~or recipient has a legal interest in a liquidated sum and has the~~
19 ~~legal ability to make that sum available for support and~~
20 ~~maintenance.~~

21 ~~(b) Notwithstanding subdivision (a) above, an applicant or~~
22 ~~recipient may retain the following:~~

23 ~~(1) Personal or real property owned by him or her, or in~~
24 ~~combination with any other person, without reference to its value,~~
25 ~~if it serves to provide the applicant or recipient with a home. If the~~
26 ~~basic home is a unit in a multiple dwelling, then only that unit~~
27 ~~shall be exempt.~~

28 ~~For the purposes of paragraph (1), if an applicant has entered~~
29 ~~into a marital separation for the purpose of trial or legal separation~~
30 ~~or dissolution, real property which was the usual home of the~~
31 ~~applicant shall be exempt for three months following the end of~~
32 ~~the month in which aid begins. If the recipient was receiving aid~~
33 ~~when the marital separation occurred, the period of exemption~~
34 ~~shall be three months following the end of the month in which the~~
35 ~~separation occurs. To remain exempt following this three-month~~
36 ~~period, the home must be occupied by the recipient, or be~~
37 ~~unavailable for use, control, and possession due to legal~~
38 ~~proceedings affecting a property settlement or sale of the property.~~

39 ~~(2) Personal property consisting of one automobile with~~
40 ~~maximum equity value as permitted by federal law.~~

1 ~~(3) In addition to the foregoing, the director may at his or her~~
2 ~~discretion, and to the extent permitted by federal law, exempt other~~
3 ~~items of personal property not exempted under this section.~~

4 ~~SEC. 2. Section 11257 of the Welfare and Institutions Code,~~
5 ~~as amended by Section 1 of Chapter 569 of the Statutes of 1984,~~
6 ~~is repealed.~~